

REMARKS

A. STATUS OF THE CLAIMS

Claims 1-14 and 16-23 are presently pending. No claim amendments have been made and, therefore, no new matter has been added.

B. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has maintained the rejection of claims 1-6, 8-14 and 16-23 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,821,932 to Guinther et al. in view of U.S. Patent No. 6,684,627 to Mizuno et al. The Examiner has also rejected claim 7 under 35 U.S.C. § 103(c) over Guinther et al. in view of Mizuno et al. and further in view of legal precedent. The rejections are respectfully traversed for at least the following reason.

With regard to Guinther et al., Applicants respectfully submit that this reference is not applicable prior art. M.P.E.P. § 706.02(I)(1) and § 2146. 35 U.S.C. § 103(c) states that subject matter which was prior art only under 35 U.S.C. § 102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

The present application was filed on March 29, 2004, and thus, is subject to 35 U.S.C. § 103(c). Guinther et al. issued on November 23, 2004, i.e., after the priority date of the present application, and thus, can only be prior art against the present application under 35 U.S.C. § 102(e). Further, this reference was originally assigned to Ethyl Corporation, as evidenced by the assignment information on the face of the patent, which subsequently assigned its rights to Afton Chemical Intangibles, LLC. The

present application was originally assigned to Ethyl Petroleum Additives, Inc., which is a wholly-owned subsidiary of parent company Ethyl Corporation and which subsequently changed its name to Afton Chemical Limited. Please see attached assignment records for the Guinther patent and the present application. Afton Chemical Intangibles, LLC is a wholly-owned subsidiary of Afton Chemical Limited. In addition, Applicants note that the present application and Guinther et al. were, at the time the present invention was made, assigned to or under an obligation of assignment to Ethyl Corporation. Accordingly, Guinther et al. is not applicable prior art under § 103, and the rejection over this reference in combination with Mizuno et al. is therefore improper.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-2961.

Respectfully submitted,

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By: _____



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Enclosures: Assignment Records for U.S. Patent No. 6,821,932 and Present Application